## APPENDIX A

### Requested Instructions of Pineapple

"If you find from a preponderance of the evidence that certain individual defendants on or about September 28, 1949, in a riotous and tumultuous manner entered upon the dock of the Port of The Dalles and thereby placed in fear the employees of the plaintiff or of the Port of The Dalles, or of any other employers who were engaged in business with the plaintiff with an object of intimidating said employees and inducing them to refuse to perform their services for the plaintiff and other employers, and you further find that plaintiff sustained damages as a proximate result of such activities of the defendants, then your verdict should be for the plaintiff and against such defendants who participated, in such amount as will reasonably compensate it for the damage to its business and property." (R. 130)

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"If you find from the preponderance of the evidence that on September 28, 1949, at about the hour of 2:00 p.m. certain individual defendants entered upon the dock of the Port of The Dalles and there in a loud, riotous and tumultuous manner assaulted certain employees of the plaintiff and damaged property and cargo belonging to the plaintiff and resisted the police officers of the City of The Dalles, all of the individual defendants who participated in the raid upon the dock are liable for all of the injuries and damages inflicted by any of the rioters if any such damages or injuries were inflicted." (R. 130-131)

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"In the assessment of damages against the various defendants, you should consider the date as of which the defendant or defendants commenced the activities herein complained of, bearing in mind plaintiff's claim that its damages were sustained during a period commencing September 26, 1949. Accordingly, if you find from a preponderance of the evidence that each of the defendants, as a result of a conspiracy, engaged in the activities herein complained of and that plaintiff's losses, if any, commenced as of September 28, 1949, then each of the defendants would be liable for all of the damages, if any, sustained on and after that date regardless of whether he or they participated in the unlawful activities subsequent to that date. On the other hand, if you find from a preponderance of the evidence that there was no conspiracy, then the defendants may only be held liable for such damages, if any, that plaintiff sustained as a result of the activities of such defendant or defendants, bearing in mind the instruction which I have given you as to responsibility for the damages resulting from the riot, if any.

"I further instruct you that the plaintiff Hawaiian Pineapple Company can make only one recovery of the damages, if any, awarded to it in this action, and that if you should find for the plaintiff against some of the defendants in one sum and against others of the defendants for another sum, the plaintiff would be only entitled to recover the larger sum awarded, and is not entitled to recover the total of the different sums awarded." (R. 133-134)